

REMARKS

The Office Action dated June 20, 2007 has been received and reviewed. This response is directed to that action.

Claim 1 has been amended, claims 5-6 and 8-9 have been cancelled and claims 10-13 are new. Support for new claims 10-13 can be found in claims 5-6 and 8-9 as originally filed and in the specification in paragraphs [0164-0166] of the published US application 2006/0052616. The amendment to claim 1 is formal in nature and merely corrects an obvious error, which a person of skill in the art would clearly recognize. In claim 1 and in paragraph [0008] of the specification, the compound 3,3,3-trifluoro-propyl incorrectly read "4,4,4-trifluoro-propyl". This is clear error in nomenclature since a trifluoro-substituted propyl compound can only be referred to as "3,3,3-" since a propyl moiety has 3 carbon atoms. Accordingly, no new matter has been added.

The applicants respectfully request reconsideration based on the following remarks.

Claim Rejections- 35 U.S.C. §112

The Examiner rejected claims 5-6 and 8-9 under 35 U.S.C. §112, second paragraph as indefinite for failing to set forth any steps involved in the method or process, and under 35 U.S.C. §101 because the claimed recitation of a use without active steps is improper. The applicants have cancelled the rejected claims and rewritten them in present claims 10-13 according to proper US form, thus rendering the present rejections moot.

Double Patenting

The Examiner provisionally rejected claims 1-9 under the judicially-created

doctrine of obviousness-type double patenting over claims 32-34, 38 and 41 of co-pending application No. 11/746,401 (Natsch et al.). In order to expedite prosecution, the applicants have filed a Terminal Disclaimer herewith, thus rendering the present rejection moot.

The applicants submit that the claims are now in condition for allowance, and respectfully request such favorable action. If any issues remain, the Examiner is invited to contact the applicant's attorney at the phone number listed below.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicant respectfully requests that this be considered a petition therefor. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-126

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,

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